

February 21, 2023

VIA ECF

Hon. Lorna G. Schofield, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Edelman v. NYU Langone Health System, et al.*
Case No. 1:21-cv-00502 (LGS) (GWG)

Dear Judge Schofield:

Pursuant to this Court's Order of January 10, 2023, the parties jointly submit this request to modify the sequence of the submissions of the pre-trial order and motions *in limine*. The parties request that they be allowed to first file the joint pre-trial order, containing their respective proposed evidence, before making any motions *in limine*. The reason for this requested change is so that the parties can review the proposed evidence from the opposing side, after which the parties will be better able to determine and make the appropriate motions. The parties respectfully submit that without having seen the other side's proposed evidence, they cannot properly determine what, if any, *in limine* motions are appropriate, or – worse – be forced to make motions *in limine* as to all evidence the parties anticipate the opposing side will use, but that will not be introduced, unnecessarily increasing both the costs of litigation and burden on the Court.

The parties thus respectfully request, in the spirit of Rule 1 of the Federal Rules of Civil Procedure, which requires the parties and this Court to construe the Rules in a manner so as to secure the just, speedy, and inexpensive determination of every civil judicial proceeding, the below changes in the pre-trial schedule:

- i. Parties' exchange of their Pre-Trial Order portions due by March 10, 2023.
- ii. Parties exchange of Pre-Trial Order due by March 13, 2023 (no additional evidence can be added to the party's case in chief).
- iii. Filing of Initial Final Pre-Trial Order due by March 14, 2023.
- iv. Motions *in limine* due by March 23, 2023.
- v. Opposition papers to motions *in limine* due by April 3, 2023.
- vi. Final Pre-Trial Order, including list of the Motions *in limine* due by April 3, 2023 (unchanged).
- vii. Commencement of Trial: May 8, 2023 (unchanged).

This request will not change the overall schedule set forth in this Court's Order dated September 30, 2022 (Dkt. 156).

Hon. Lorna G. Schofield, U.S.D.J.

February 21, 2023

Page 2 of 2

We thank the Court for its time, attention, and consideration in this case.

Respectfully submitted,

MILMAN LABUDA LAW GROUP PLLC

TARTER KRINSKY & DROGIN LLP

By: /s/ Emanuel Kataev

Joseph M. Labuda
Emanuel Kataev
3000 Marcus Avenue, Suite 3W8
Lake Success, NY 11042-1073
(516) 328-8899
joe@mlaborlaw.com
emanuel@mlaborlaw.com
Attorneys for Plaintiff

By: /s/ Richard L. Steer

Richard L. Steer
Justin Chu
Tara T. Carolan
Ingrid J. Cardona
1350 Broadway, 11th Floor
New York, NY 10018
(212) 216-8000
rsteer@tarterkrinsky.com
jchu@tarterkrinsky.com
tcarolan@tarterkrinsky.com
icardona@tarterkrinsky.com
Attorneys for Defendants